IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4199 of 2005

Between:

Ch. Yellaiah S/o Rajaiah
Godavarikhani Gandhinagar, Karimnagar District

..... PETITIONER

AND

1 The Hon'ble Industrial Tribunal-cum-Labour Court, rep by Presiding Officer, Godavari Khani, Karimnagar District
2 The APSRTC., rep by Depot Manager, Godavari Khani Depot, Karimnagar District
3 The APSRTC, rep by Divisional Manager, Karimngar
4 The APSRTC., rep by Regional Manager, Karimnagar region, Karimnagar.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from theRespondnets herein by issuing a Writ, order or Direction more particulalry one in the nature of Writ of Certiorari by quahing the exparte Award in I.D. No. 30 of 2000dt 30-8-2001 published on 20-11-2001 vide G.O.Rt No. 2570 dt 5-10-2001 on the file of 1st respondnet and order in I.A. No. /2004 in in CF. No. 753/2004 dt 18-10-2004 and order in I.A. No. /2004 in CF. No 753/2004 dt 18-10-2004 as perverse, arbitrary illegal, unjust an contrary to law and in violation of principles of natural justice and also in violation of Articles 14 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstnaces of the case.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 to 4: Smt. Rajani Reddy

The Court, at the admission stage, made the following:

HE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4199 of 2005

ORDER:

Challenging the *ex parte* award in I.D.No.30 of 2000, dated 30-08-2001 on the file of 1st respondent-Industrial Tribunal-cum-Labour Court, Godavari Khani, the present writ petition has been filed.

2. According to the learned counsel for the petitioner, the 1st respondent passed an *ex parte* award on 30-08-2001. Thereafter, the petitioner filed an interlocutory application under Section 11 of the Industrial Disputes Act, 1947 read with Order IX Rule 13 of the Code of Civil Procedure on 17-09-2004 to set aside the said *ex parte* award which was published on 20-11-2001 vide G.O.Rt.No.2570, dated 05-10-2001. But, the Tribunal without considering the material available on record, dismissed the petition on 18-10-2004 on the ground that the award was already passed on merits.

3. The learned standing counsel for the respondents 2 to 4 opposed the same.

4. The factual position, as borne out from the record, clearly shows that an interlocutory application was filed to set aside the *ex parte* award dated 30-08-2001. It is not in dispute that there was a delay of four years in filing the said petition and the same shall have to be considered in accordance with law by the Tribunal. But, as it appears in that record, the Tribunal failed to go through the merits of the said petition and no reasoned order has been passed.

5. The only ground taken by the Tribunal is that the award has been already passed on 30-08-2001 on merits and the same was published on 20-11-2001 and accordingly rejected the petition. However, it is a totally non-application of mind by the Tribunal. Therefore, the order under challenge suffers

from serious legal infirmities. Hence, the order in I.D.NO.30 of 2000 is set aside. The 1st respondent is directed to consider the petition filed by the petitioner on 17-09-2004, in accordance with law.

6. Accordingly, the writ petition is disposed of with the direction as indicated above.

March 9, 2005

Note:

Issue C.C. in one week.

B/o.

KVR

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavari Khani, Karimnagar District.
2 The Depot Manager, APSRTC., Godavari Khani Depot, Karimnagar District.
3 The Divisional Manager, APSRTC, Karimngar
4 The Regional Manager, APSRTC., Karimnagar region, Karimnagar.

5. Two C.Cs to the GP for Labour, High Court of AP Buildings, Hyderabad.

6. 2 C.D copies.